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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 68/91, the Secretary-General submitted to the Assembly at its sixty-ninth session a report on the question of Western Sahara (A/69/344). The report covered the period from 1 July 2013 to 30 June 2014 and contained a review of the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, pursuant to Security Council resolution 2099 (2013) the Secretary-General submitted a report on 10 April 2014 to the Security Council on the situation concerning Western Sahara (S/2014/258).

3. In resolution 2099 (2013), the Security Council called upon all parties to cooperate fully with the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO), including its free interaction with all interlocutors, and to take the necessary steps to ensure the security of, and unhindered movement of and immediate access for, United Nations and associated personnel in carrying out their mandate, in conformity with existing agreements. The Council called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue and requested the Secretary-General to brief the Council on the implementation of the resolution, challenges to MINURSO operations and steps taken to address them. The Council supported the request of the Secretary-General for six additional United Nations police officers to implement the expanded family visit programme. The Council decided to extend the mandate of MINURSO until 30 April 2014.

4. The report of the Secretary-General to the Security Council (S/2014/258) covered developments since his previous report, dated 8 April 2013 (S/2013/220), and provided information on the situation on the ground, the status and progress of the negotiations, the activities of MINURSO, and humanitarian activities and human rights, and contained his observations and recommendations.

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5. In his report (S/2014/258), the Secretary-General indicated that the situation in Western Sahara had been generally calm and the ceasefire had continued to hold. Moroccan authorities showed an increased openness to receive and engage with delegations visiting the western part of the Territory, although on occasion visitors deemed hostile to Moroccan interests were denied access to or expelled from the Territory. Sporadic demonstrations, aimed at drawing attention to human rights concerns, socioeconomic issues and political demands, including the right to self-determination, took place west of the berm. On 5 May 2013, a protest to express dissatisfaction with Security Council resolution 2099 (2013) was held in Laayoune. Clashes erupted between protesters and Moroccan security forces, causing injuries on both sides to an estimated 150 people and resulting in a number of arrests. In October 2013, the President of the Moroccan Economic, Social and Environmental Council presented King Mohammed VI with the final report of that Council, on a new development model for the so-called "southern provinces", which include Western Sahara but also extend to some areas north of the Territory.

6. In the refugee camps near Tindouf, Algeria, to the extent that MINURSO and the United Nations entities on the ground could observe, people were able to conduct their lives in a peaceful and generally calm atmosphere, although the socioeconomic status quo had begun to be brought into question, including by the authorities of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario). Some degree of dissatisfaction was perceptible among the population in the refugee camps, particularly among the youth. Small-scale demonstrations in the camps were occasionally reported, including by Frente Polisario officials.

7. With regard to the activities of his Personal Envoy, the Secretary-General indicated in his report that a new approach had been taken by the United Nations in an effort to facilitate negotiations between the parties to achieve "a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara" (Security Council resolution 2099 (2013), para. 7). The Personal Envoy engaged in a period of bilateral consultations with the parties and neighbouring States to gauge whether the parties were prepared to be flexible in developing the elements of a compromise solution and how the neighbouring States could be of assistance. The new approach was launched during the visit of the Personal Envoy to the region in March-April 2013. By the end of the reporting period, the Personal Envoy had undertaken two rounds of consultations with the parties and neighbouring States in the framework of the new approach and had begun a series of renewed visits to the capitals of the members of the Group of Friends of Western Sahara to confirm their support. A full account of the activities undertaken by the Personal Envoy can be found in the report of the Secretary-General to the Security Council on the situation of Western Sahara (S/2014/258).

8. With regard to the activities of MINURSO on the ground, the Secretary-General reported that MINURSO relations and communications with the two parties had remained positive and productive throughout the reporting period. The Secretary-General reiterated his previous assessment and recommendation to increase the military component of the Mission by 15 military observers, assessing that MINURSO had reached the point at which operational effectiveness was being compromised by a shortage of military personnel.

9. According to the MINURSO assessment, both parties remained fully committed to and respectful of the ceasefire and their observed violations did not jeopardize it in

the medium term. The Secretary-General reported that the lack of precise ceasefire terms and differing interpretations of the provisions in the ceasefire agreement represented a major challenge to MINURSO monitoring operations. The Special Representative of the Secretary-General had therefore initiated a process of structured consultations with the parties to update military agreement No. 1.

10. The Secretary-General also indicated that in January 2014, for the first time since its inception, MINURSO had witnessed a violation of the status-of-forces agreement when a group of Royal Moroccan Army soldiers gained unauthorized entry to the Mahbas team site, in pursuit of five unarmed civilians attempting to stage a demonstration inside the site. The five Saharan activists were apprehended in the operation by the Moroccan soldiers. The Special Representative protested the violation to the Government of Morocco and received assurances that Morocco remained committed to strict implementation of the status-of-forces agreement, including respect for the inviolability of United Nations premises.

11. On mine action, the Secretary-General informed the Security Council that widespread contamination caused by landmines and explosive remnants of war throughout Western Sahara continued to endanger the lives of the local, nomadic and refugee populations, and of MINURSO military observers and logistical teams. MINURSO, through its Mine Action Coordination Centre, continued to strive to reduce the threat and impact of landmines and explosive remnants of war and to improve cooperation on mine action initiatives with both parties. With the support of MINURSO, Frente Polisario established the Sahrawi Mine Action Coordination Office in September 2013, with the aim of eventually assuming coordination of mine action activities to the east of the berm. MINURSO intends to support this office with technical assistance.

12. On substantive civilian activities, the Secretary-General indicated in his report that his Special Representative had enjoyed regular and positive contact with the parties and their respective coordination offices, maintaining a fruitful dialogue on issues related to the implementation of the Mission mandate. However, the Special Representative was able to meet with civil society representatives and human rights activists in the Territory only in the presence of the Personal Envoy during his visits in Laayoune, Dakhla and Smara. The inability of the Special Representative to have independent contact with civil society meant that the ability of MINURSO to form its own picture of the situation in Western Sahara for the purpose of operational awareness and reporting to the Secretariat and the Security Council remained limited. East of the berm, and with regard to the refugee camps near Tindouf, good working relations with Frente Polisario were maintained through the MINURSO liaison office in Tindouf. Good contacts were established with the newly created non-governmental organization (NGO), the Sahrawi Committee for Human Rights. The issues related to the placement of Moroccan flags around MINURSO premises and the issuances of number plates had been largely resolved through pragmatic solutions agreed upon with the Moroccan authorities.

13. With regard to humanitarian activities and human rights, the Secretary-General informed the Security Council about developments observed during the reporting period related to persons still unaccounted for in the conflict, assistance to and protection of Saharan refugees, confidence-building measures and human rights issues.

14. The Secretary-General indicated in his report that the International Committee of the Red Cross had continued its work with regard to persons still unaccounted for

in relation to the conflict. He also noted developments related to an exhumation of a mass grave near the Mehaires team site, east of the berm.

15. With regard to assistance to and protection of Saharan refugees, the Secretary-General indicated that the Office of the United Nations High Commissioner for Refugees (UNHCR) had continued to provide international protection and, together with its partners, basic life-saving assistance to the refugees in the camps near Tindouf. This included the implementation of multisectoral activities in respect of water, sanitation, health, nutrition, shelter and non-food items. Pending the registration of the refugees in camps near Tindouf, humanitarian assistance provided by UNHCR and the World Food Programme (WFP) continued to be based on a population planning figure of 90,000 vulnerable refugees, with WFP giving an additional 35,000 food rations to people with poor nutritional status in the camps. A more detailed account of the assistance provided can be found in the report of the Secretary-General (A/AC.109/2014/1). The Personal Envoy met with the representatives of the various United Nations entities working in the refugee camps to examine the growing socioeconomic pressures on the refugee population in more detail. All agreed on the need to rethink the humanitarian aid programme in such a way as to encourage a shift away from protracted care and maintenance assistance.

16. With regard to confidence-building measures, the Secretary-General informed the Security Council that in conformity with its mandate and principles, and with the cooperation of the Government of Morocco and Frente Polisario, UNHCR had continued to implement the confidence-building measures programme to facilitate contact and communication between Saharan refugees in the camps near Tindouf and their families in the Territory. Family visits, cultural seminars and the coordination meetings in Geneva between the two parties (Morocco and Frente Polisario) and the two neighbouring countries (Algeria and Mauritania) were the three fundamental components of the updated plan of action of January 2012 for the confidence-building measures programme. MINURSO supported the programme by providing medical staff and police officers to facilitate preparations, served as security escorts and provided joint presence with UNHCR at destinations. In his report, the Secretary-General provided detailed information with regard to a registration exercise on confidence-building measures, undertaken in November 2013; cultural seminars held in the Azores in 2013 (fourth seminar) and 2014 (fifth seminar) linking Saharan refugees in the camps with their communities in the Territory; a fifth coordination meeting, chaired by UNHCR, held in Geneva in June 2013; and an extraordinary meeting held in Geneva in December 2013 to discuss the resumption of the family visit flights.

17. On human rights, the Secretary-General informed the Security Council that the two parties had continued to trade allegations on a wide variety of human rights violations. However, positive developments relating to the protection of human rights also occurred, including the announcement of the establishment and reinforcement of human rights organizations, steps to reform judicial procedures and increased visits by international representatives and observers.

18. The Secretary-General also provided detailed information about visits by the Special Rapporteur on trafficking in persons, especially women and children, to Morocco and to Dakhla (Western Sahara) and visits by the Working Group on Arbitrary Detention to Morocco and Laayoune. The Secretary-General reported on the situation regarding civil and political rights; the work of civil society organizations, including human rights groups active in Western Sahara west of the berm; the

situation regarding freedom of speech, association and assembly; the ongoing case involving the Saharan civilians condemned to long sentences by the Military Tribunal in Rabat on the basis of charges brought after the Gdim Izik events of 2010; and the situation regarding civil and political rights in the refugee camps.

19. The Secretary-General congratulated UNHCR on its efforts and encouraged it to continue with its wider confidence-building measures activities.

20. The Secretary-General urged the international community to provide urgent funding for the confidence-building measures programme and the programme mandate of UNHCR in the refugee camps near Tindouf. He also urged the relevant United Nations entities, the donor community, Frente Polisario and the Algerian authorities to explore programmes to respond to development needs in the camps, especially education and employment for the youth.

21. The Secretary-General noted that, in the light of increased interest in the natural resources of Western Sahara, it was timely to remind all concerned of the need to observe relevant international law.

22. The Secretary-General welcomed the cooperation of Morocco with the special procedures of the Human Rights Council. He noted with satisfaction the steps that Morocco had taken, such as those related to the Moroccan National Human Rights Council and the military tribunals, and looked forward to their full and speedy implementation.

23. The Secretary-General also noted with satisfaction the expressed readiness of Frente Polisario to cooperate with United Nations human rights bodies and that it had established an NGO in the human rights field.

24. The Secretary-General encouraged both parties to continue and further enhance their cooperation with United Nations human rights bodies. He noted that such actions, covering both Western Sahara and the refugee camps, would contribute to creating an environment conducive to the initiatives taken so far, as well as to the negotiating process. Such positive developments should contribute to a more balanced and comprehensive monitoring of human rights. The end goal nevertheless remained the sustained, independent and impartial monitoring of human rights, covering both the Territory and the camps.

25. The Secretary-General believed that the presence of MINURSO remained relevant as: (a) an instrument of stability in the event that the political stalemate continues; (b) a mechanism to support the implementation of successive Security Council resolutions relating to the mandate of MINURSO; and (c) a means to provide independent information on the conditions on the ground to the Security Council, the Secretariat and the international community. He therefore sought the assistance of the Council in reasserting the mandated role of MINURSO, upholding peacekeeping standards and United Nations neutrality and ensuring that the conditions for the successful operation of the Mission were met. He also called on both parties, Morocco and the Frente Polisario, to cooperate fully with MINURSO in achieving those objectives. In that context, and in the light of the continuing efforts of his Personal Envoy, he recommended that the Council extend the mandate of MINURSO, with a modest increase of 15 military observers to the authorized strength, for a further 12 months, until 30 April 2015.

II. Consideration by the Security Council

26. Following its consideration of the report of the Secretary-General (S/2014/258), the Security Council unanimously adopted resolution 2152 (2014) on 29 April 2014, by which it reaffirmed the need for full respect of the military agreements; called upon all parties to cooperate fully with the operations of MINURSO and ensure the security of, and unhindered movement of and immediate access for, the United Nations and associated personnel in carrying out their mandate; called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations and to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations; and noted the role and responsibilities of the parties in that respect. The Council decided to extend the mandate of MINURSO until 30 April 2015.

III. Consideration by the General Assembly

27. During the debate from 7 to 14 October 2014, the Special Political and Decolonization Committee (Fourth Committee) heard statements by 67 petitioners on the question of Western Sahara (see A/C.4/69/SR.3-5). On 7, 10, 13 and 14 October 2014, Member States addressed, among other things, the issue of Western Sahara. Some of them strongly supported the right of the Sahrawi people to self-determination, reaffirmed their support for the relevant General Assembly and Security Council resolutions and the efforts of the Secretary-General and his Personal Envoy for Western Sahara, and stressed the importance of expanding the mandate of MINURSO to include a human rights component. Others believed that the autonomy plan by Morocco offered a realistic and viable option that could provide the best prospect for achieving a mutually acceptable solution to the question (see A/C.4/69/SR.2, 5, 6 and 7).

28. At its 7th meeting, on 14 October 2014, the Committee approved without a vote the draft resolution entitled "Question of Western Sahara" (A/C.4/69/L.4), submitted by the Chair.

29. On 5 December 2014, the General Assembly adopted the draft resolution without a vote, as resolution 69/101. In that resolution, the Assembly, among other things, welcomed the commitment of the parties to continue to show political will and work in an atmosphere propitious for dialogue and the ongoing negotiations between the parties; called upon the parties to cooperate with the International Committee of the Red Cross and to abide by their obligations under international humanitarian law; requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its seventieth session; and invited the Secretary-General to submit to the Assembly at its seventieth session a report on the implementation of the resolution.